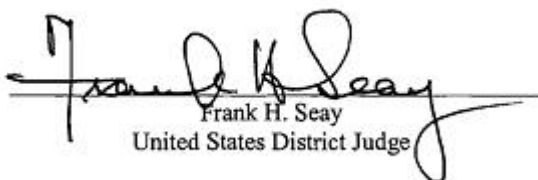


assistance of counsel] is to grant his petition for a writ of habeas corpus unless the . . . state courts provide him with an out of time appeal within a reasonable time.”). The court, therefore, finds this case should be held in abeyance for no longer than ninety (90) days, during which time the State of Oklahoma may, by whatever procedure it deems appropriate, grant petitioner leave to appeal out of time. *See Baker*, 929 F.2d at 1500-01.

DATED this 14th day of January, 2013.



Frank H. Seay
United States District Judge